

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VALERIE L. REUBEN,

Plaintiff,

v.

PORT AUTHORITY OF PGH., AND
PROGRESSIVE INS.,

Defendant.

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Civil Action No. 14-869

MEMORANDUM ORDER

AND NOW, this 7th day of July, upon consideration of Plaintiff Valerie L. Reuben's Pro Se Motion to Proceed In Forma Pauperis (Docket No. [1]),

IT IS HEREBY ORDERED that said Motion [1] is GRANTED as to the In Forma Pauperis Status of Pro Se Plaintiff Valerie L. Reuben, ONLY.

IT IS FURTHER ORDERED that the above captioned matter is dismissed, without prejudice, for lack of subject matter jurisdiction. In so holding, the Court notes that 28 U.S.C. § 1915(e)(2) requires that a District Court to review pleadings filed by individuals who are granted in forma pauperis status and mandates that "the court shall dismiss the case at any time if the court determines that ... the action fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915(e)(2). Moreover, "[f]ederal courts are courts of limited jurisdiction." *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 418 (3d Cir. 2010). Thus, this Court can only exercise subject matter jurisdiction over "civil actions arising under the Constitution, laws, or treaties of the United States," *see* 28 U.S.C. § 1331, or civil actions wherein there is diversity of citizenship between the parties and the matter in controversy exceeds \$75,000.00, *see* 28 U.S.C. § 1332. "The burden is on the plaintiff to establish the existence of federal jurisdiction." *McCracken v. ConocoPhillips Co.*, 335 F. App'x 161, 162-163 (3d Cir. 2009) (citing *Packard v.*

Provident Nat'l Bank, 994 F.2d 1039, 1045 (3d Cir. 1993)).

Here, it appears that Plaintiff is attempting to proceed under diversity jurisdiction, based on her citation to 28 U.S.C. § 1332 as the U.S. Civil Statute under which she filed her complaint. (Docket No. 1-2 at 1). However, Plaintiff has met neither of the requirements for diversity jurisdiction, i.e., an amount in controversy in excess of \$75,000 and complete diversity of citizenship. *See McCracken*, 335 F. App'x at 162 ("Diversity jurisdiction requires, inter alia, that all parties be citizens of different states."). Plaintiff purportedly seeks a claim for personal injury, pain, and suffering against the Port Authority of Pittsburgh for \$48,999 and Progressive Insurance for \$5,000. (Docket No. 1-1 at 1). Yet, her claim fails to meet the \$75,000 threshold on its face, as she seeks only \$53,999. *See* 28 U.S.C. § 1332(a). It is also apparent that the parties are not completely diverse. Based on the limited allegations in her Complaint, Plaintiff and the Port Authority of Pittsburgh appear to be citizens of Pennsylvania, given her averment that she resides in Allegheny County, and her suit is against the Port Authority, which is located in Pittsburgh, Pennsylvania. As complete diversity is necessary for diversity jurisdiction, it does not matter whether Progressive Insurance is a citizen of Pennsylvania. *See McCracken*, 335 F. App'x at 162.

Based on the foregoing, Plaintiff has not met her burden to establish diversity jurisdiction under 28 U.S.C. § 1332. *See Wisconsin Dep't of Corr. v. Schacht*, 524 U.S. 381, 388 (1998) ("A case falls within the federal district court's 'original' diversity 'jurisdiction' only if diversity of citizenship among the parties is complete, i.e., only if there is no plaintiff and no defendant who are citizens of the same State."); *McCracken*, 335 F. App'x at 162-163 ("The burden is on the plaintiff to establish the existence of federal jurisdiction.").

For these reasons, Plaintiff has failed to meet her burden to establish subject matter

jurisdiction. Therefore, Plaintiff's Complaint is DISMISSED, without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: All counsel of record.

cc: Valerie L. Reuben
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(Regular and Certified Mail)